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December 21, 2022

**VIA ECF**

Honorable Paul A. Engelmayer  
United States District Court  
Southern District of New York  
40 Foley Square  
New York, NY 10007

**Re: *Fitzpatrick and Caputo, v. Boston Market Corp., 21 CV 9618 (PAE)***

Dear Judge Engelmayer:

We represent Plaintiffs in the above-referenced matter. We write to respectfully request that the Court So Order the attached subpoena we intend to serve on an investigative officer with the New York State Department of Labor (NYSDOL"). As Defendant recently informed the Court (*see* Dkt No. 53), the NYSDOL will only comply with a "subpoena order by a New York State or federal judge" (*see* <https://dol.ny.gov/service-process>). As such, we have prepared a subpoena (attached as "Exhibit A"), by way of which we seek the testimony of an NYSDOL employee who submitted a declaration to Defendant in this lawsuit. We respectfully request that the Court "So Order" the subpoena to enable us to secure this individual's compliance.

We thank the Court for its attention to this matter.

Respectfully submitted,

**JOSEPH & KIRSCHENBAUM LLP**

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cc: All Counsel of Record (via ECF)

Granted. The Court will so order the subpoena and docket it separately.

SO ORDERED.



PAUL A. ENGELMAYER  
United States District Judge  
December 21, 2022